



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

MAY 30 2000

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Dorothy R. Auth
MORGAN & FINNEGAN L.L.P.
345 Park Avenue
New York, N.Y. 10154-0053

In re Application of :
HEARING, Patrick *et al* :
U.S. Application No.: 09/530,935 : DECISION ON
PCT No.: PCT/US99/08294 :
Int. Filing Date: 15 April 1999 : PETITION
Priority Date: 15 April 1998 :
Attorney Docket No.: 3927-4133US2 : UNDER 37 CFR 1.137(b)
For: SELECTIVE REGULATION OF :
ADENOVIRUS PRODUCTION :

The petition to revive an unintentionally abandoned application filed 09 March 2000 in the above-captioned application is hereby **GRANTED** as follows:

Applicants declare that "[t]he entire delay in filing the required reply from the due date until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3). The appropriate basic national fee, extra claim fees, and petition fee have been submitted. The \$130.00 surcharge for providing the declaration late as required by 37 CFR 1.492(e) has been charged from Deposit Account No. 13-4500 as authorized. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The declaration submitted on 09 March 2000 is not in compliance with 37 CFR 1.497. Specifically, the faxed portion of the declaration is only partially legible. The second inventor's name can not be read. In addition, the declaration submitted has two faxed sheets with the inventors signature on them and another page that was not faxed. Applicants must submit the complete declaration signed by each inventor.

Accordingly, the application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements (Form PCT/DO/EO/905) for failing to provide a declaration in compliance with 37 CFR 1.497.


Boris Milef
PCT Legal Examiner
PCT Legal Office


James Thomson
PCT Attorney
PCT Legal Office

Tel.: (703) 308-6457